

4-25-05

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FORM PTO-1390
(REV. 02-2005)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER
41587-370TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (If known, see 37 CFR

1.5
10/285942
10/532549INTERNATIONAL APPLICATION NO.
PCT/US03/34487INTERNATIONAL FILING DATE
29 October 2003 (29.10.2003)PRIORITY DATE CLAIMED
1 November 2002 (01.11.2002)TITLE OF INVENTION
MESSAGE APPARATUS AND METHOD FOR LUMBAR SUPPORTAPPLICANT(S) FOR DO/EO/US
L & P PROPERTY MANAGEMENT COMPANY

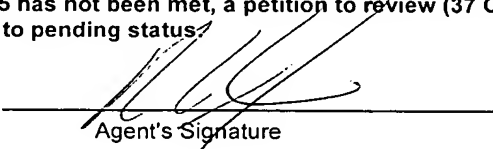
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154 (d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
14. ☐ A SECOND or SUBSEQUENT preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Article 34 Amendments, Postcard Receipt

page 1 of 2

U.S. APPLICATION NO. (If known) (37 CFR 1.5) 10/286,140 10/532549		INTERNATIONAL APPLICATION NO. PCT/US03/34487		ATTORNEY'S DOCKET NUMBER 41587-370	
The following fees are submitted:				CALCULATIONS	PTO USE ONLY
21.	<input checked="" type="checkbox"/>	Basic fee	\$300	\$300.00	
22.	<input checked="" type="checkbox"/>	Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4)..... All other situations.....	\$100 \$200	\$100.00	
23.	<input checked="" type="checkbox"/>	Search Fee Search fee (37 CFR 1.44(a)(2)) has been paid on the international application to the US PTO as an International Searching Authority..... International Search Report prepared and provided to the Office..... All other situations.....	\$100 \$400 \$500	\$100.00	
TOTAL OF 21, 22 AND 23=				\$500.00	
<input type="checkbox"/> Additional fee for specification and drawings files in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
20 - 100 =	0 / 50 =		X \$250	\$0.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$0.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	15 - 20 =	0	x \$ 50	\$0.00	
Independent claims	2 - 3 =	0	x \$200	\$0.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$0.00	
TOTAL OF ABOVE CALCULATIONS =				\$0.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	
SUBTOTAL =				\$500.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$130.00	
TOTAL NATIONAL FEE =				\$500.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$0.00	
TOTAL FEES ENCLOSED =				\$630.00	
				Amount to be refunded:	\$
				charged:	\$
a. <input checked="" type="checkbox"/> A check in the amount of \$630.00 to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. 08-3460 in the amount of \$ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 08-3460. A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to review (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO: Robert C. Haldiman, Reg. No. 45,437 Husch & Eppenger, LLC 190 Carondelet Plaza St. Louis, MO 63105 (314)480-1500					
				 Agent's Signature	
				Date: <u>April 22, 2005</u>	

EXPRESS MAIL CERTIFICATE OF MAILING (37 CFR 1.10)

Express Mail No.: EV 630758158 US

Docket No.
10/532549

Applicant(s): L & P PROPERTY MANAGEMENT COMPANY

International Application No.
PCT/US2003/34487International Filing Date
29 October 2003 (19.10.2003)Priority Date Claimed
1 November 2002
(01.11.2002)DO/EO/US
USTitle:
MESSAGE APPARATUS AND METHOD FOR LUMBAR SUPPORTTO THE COMMISSIONER OF PATENTS AND TRADEMARKS

Transmitted herewith is:

- ☒ Transmittal Letter to the US Designated/Elected Office Concerning a Filing Under 35 USC 371
- ☒ Article 34 Amendments
- ☒ Declaration
- ☒ Transmittal of Information Disclosure Statement
- ☒ Form 1449 Information Disclosure Statement
- ☒ Check in the amount of \$630.00
- ☒ Acknowledgement Card
- ☐
- ☐
- ☐
- ☐
- ☐
- ☐
- ☐

Signature

Dated: 4-22-2005

Robert C. Haldiman, #45,437
 Husch & Eppenberger, LLC
 190 Carondelet Plaza
 St. Louis MO 63105-3441
 309-637-4900
 309-637-4928 FAX

Customer No. 029493

I certify that the document and fee is being deposited on
4-22-2005 with the U.S. Postal Service as
 Express Mail under 37 C.F.R. 1.10 and is addressed to the
 Commissioner for Patents, P.O. Box 1450, Alexandria, VA
 22313-1450.

Express Mail No.: EV 630758158 US

Signature of Person Mailing Correspondence

Deborah Lane-Christian

Typed or Printed Name of Person Mailing Correspondence